

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - 5M/S North Point Boulevard, 400' +/- NW of Norris Lane (2617 North Point Boulevard) 15th Election District 7th Councilmanic District Archibald Fennell, et ux Petitioners

* BEFORE THE * ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 90-36-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve a nonconforming commercial parking lot in a D.R. 5.5 and D.R. 16 zone and a variance to permit a side yard setback of 20 feet in lieu of the required 30 feet for a proposed building addition as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Archibald Fennell, appeared, testified and were represented by Louis L. DePazzo, Esquire. Also appearing on behalf of the Petitions was Robert A. Spooner, General Contractor. There were no Protestants.

Testimony indicated that the subject property, known as 2617 North Point Boulevard, consists of .5 acres split zoned B.R.-C.S.1, D.R. 5.5 and D.R. 16, and is improved with an office/service garage building. Mr. Fennell testified he owns and operates Village Auto Repair Inc. from the subject building, which was originally used as a gasoline service station. He testified that prior to his purchase of the property six years ago, the D.R. 5.5 zoned portion of the site was used as a dumping ground for automotive parts and miscellaneous debris, which he had removed at a cost of approximately \$3,000. Mr. Fennell proposes constructing an addition to the existing building for storage and overload work for his automotive repair business. He indicated the addition will be the same width as the

existing building with an "employees only" access door on its northwest side. Testimony indicated the requested variance is necessary in order to provide additional working area for Petitioners' growing business and maintain uniformity with the existing building. Mr. Fennell testified he wishes to use the D.R. 5.5 zoned portion of the site for parking passenger vehicles awaiting service. Testimony indicated that there has always been parking in the D.R. 5.5 and D.R. 16 zones since prior to the effective date of the zoning regulations. Petitioner testified he has discussed his plans with adjoining property owners who voiced no objections.

Mr. Spooner testified in support of Petitioner's request, indicating that Mr. Fennell's efforts to clean up the subject property have made it one of the more attractive commercial properties in this area.

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light. and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

Those original regulations provided for nonconforming uses. The statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to a conforming use, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows:

"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in

these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an exception upon the general nonconforming rule for Special Exception office buildings. The second reads as follows:

"Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. (Bill No. 167, 1980)"

As with all non-conforming use cases, the first task is to determine what lawful non-conforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

When the claimed non-conforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the non-conforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use;

(b) Is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original non-conforming use."

McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it is clear that the subject property has been used for commercial parking continuously and without interruption since prior to the effective date of the zoning regulations, and as such, a nonconforming use for the storage and commercial parking of vehicles awaiting repair in the D.R. 5.5 and D.R. 16 zones exists.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1972). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petitions for Special Hearing and Zoning Variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of August, 1989 that the Petition for Special Hearing to approve a nonconforming commercial parking lot, for purposes of storing and parking vehicles awaiting repair only, in a D.R. 5.5 and D.R. 16 zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit a side yard setback of 20 feet in lieu of the required 30 feet for a proposed building addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the

30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

3) The nonconforming use granted herein is limited to the parking of passenger vehicles awaiting service. No outside storage of damaged or disabled vehicles shall be permitted in the D.R. 5.5 and D.R. 16 zones. No vehicles awaiting service may remain on the D.R. 5.5 and D.R. 16 zones for more than thirty (30) days in any calendar year.

JRH:bjs

ORDER RECEIVED FOR FILING
Date 8/31/89
By [Signature]

J. Robert Haines
Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21284
(301) 887-6333
J. Robert Haines
Zoning Commissioner

August 31, 1989

Louis L. DePazzo, Esquire
38 S. Dundalk Avenue
Baltimore, Maryland 21222

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
SW/S North Point Boulevard, 400' +/- NW of Norris Lane
(2617 North Point Boulevard)
15th Election District - 7th Councilmanic District
Archibald Fennell, et ux - Petitioners
Case No. 90-36-SPHA

Dear Mr. DePazzo:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

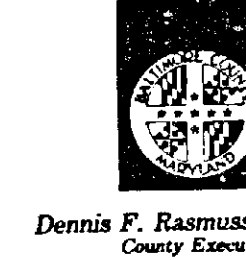
Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File



Dennis F. Rasmussen
County Executive

478 PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

90-36-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a non-conforming commercial parking lot in a DR 5.5 and DR 16 zone.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Archibald Fennell
(Type or Print Name)
Signature
Joyce Fennell
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
Louis L. DePazzo
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.: 288-9303

MAP
S.D.
DATE
1000
SP

478 PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

90-36-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.2 to permit a side yard setback of 20 ft. in lieu of the required 30 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Extending existing sidewalk back to square off building with non-conforming side set back of 20'.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Archibald Fennell
(Type or Print Name)
Signature
Joyce Fennell
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
Louis L. DePazzo
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.: 288-9303

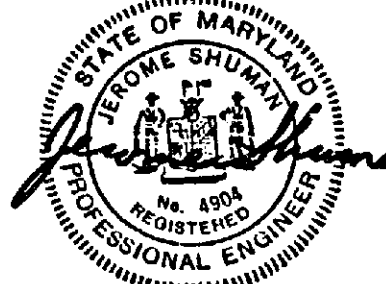
ORDERED By The Zoning Commissioner of Baltimore County, this 17th day of May, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of August, 1989, at 11 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

478 ZONING DESCRIPTION

Starting at Northeast corner of property 400' from center line of Morris Lane on south side of Northpoint Blvd. 300' wide roadway traveling N-50° - 29' W for 130', then S-39° - 31' W for 137.98', then S-26° - 0' E for 142.84', then N-39° - 31' E for 197.18'

Book No. 6727 Folio #0481. Also known as 2617 Northpoint Boulevard in the 15th Election District.



Louis L. DePazzo
Attorney at Law
38 South Dundalk Avenue • Dundalk, Maryland 21222
301-288-9303

August 8, 1989

J. Robert Haines, Commissioner
Baltimore County Office of
Planning and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Item No. 478, Case No. 90-36-SPHA
Petitioner: Archer Fennell, et ux
Petition for Zoning Variance

Dear Mr. Haines:

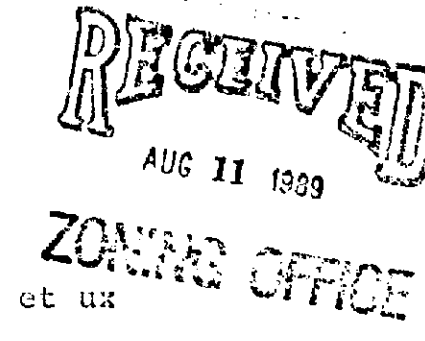
In accordance with your instructions, since the above property owners are desirous of proceeding rapidly with their building permit, I am hereby requesting early release of the building permit and your authority to proceed.

As you advised, my client fully understands that in the event of an appeal, and a subsequent reversal, he could conceivably lose some monies which have been expended by him.

Thank you for your kind attention and courtesy in this matter.

Very truly yours,
Louis L. DePazzo

LLD:cln
CC: Mr. and Mrs. Archer Fennell



VILLAGE AUTO REPAIR

The plan meets the requirements for C.R.G. zoning approval in all, except the following:

The property was the subject of zoning hearing #90-36-SPHA, which was granted with restrictions on 8/11/89. The plan must include a zoning history stating the order number, what was granted or denied, listing any restrictions and especially showing compliance with restriction #2. As of the writing of these comments (9/14/89), the 30-day appeal is not yet over and, therefore, approval is subject to the final outcome of the zoning hearing.

Commercial (blue) checklist information is required for filing for building permits.

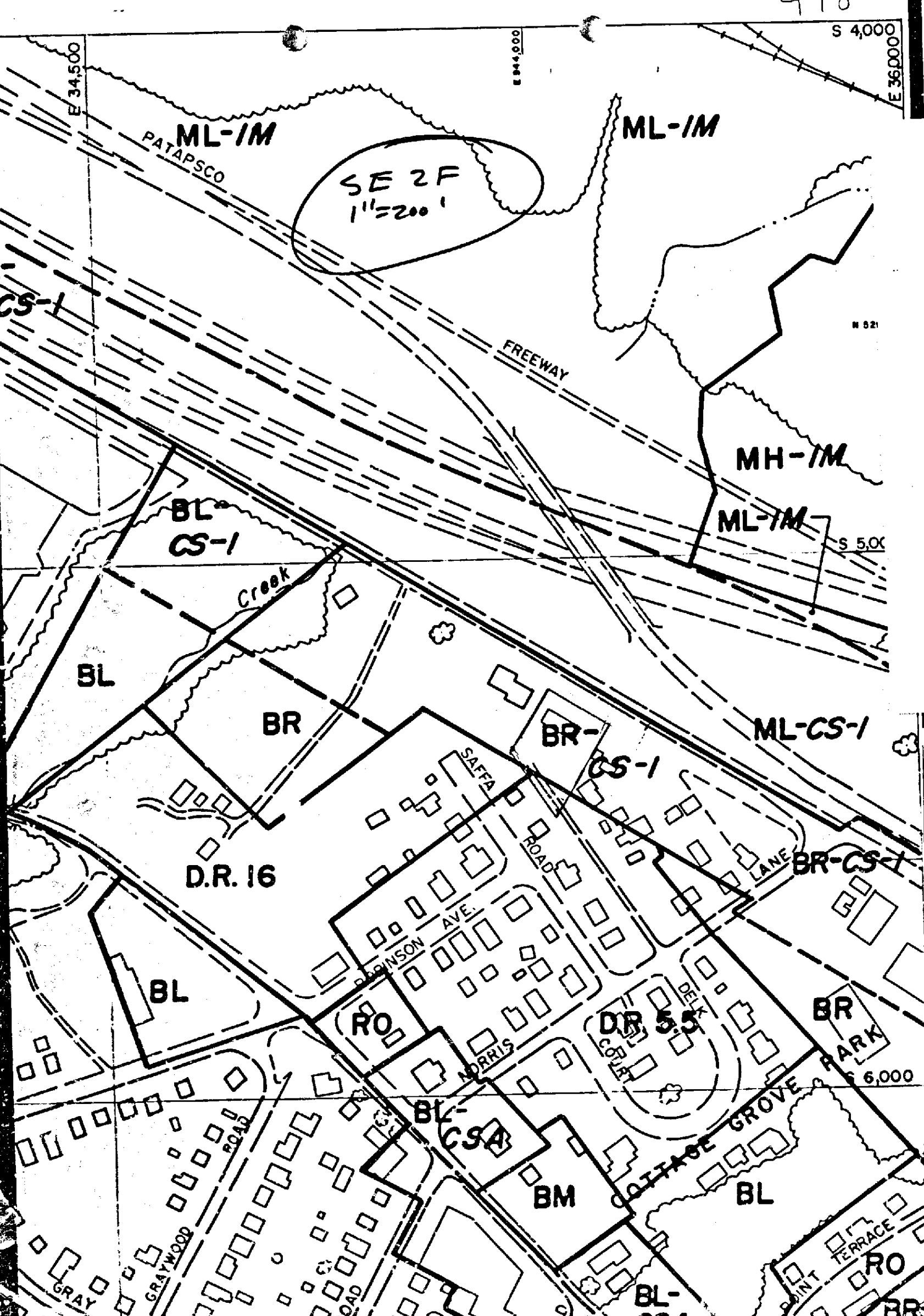
New Plan Received, Dated 8/28
Comments not addressed on the plan.

New Comments, Plan Received 10/27/89

This plan is given zoning C.R.G. approval with the understanding that the Zoning Order and all restrictions be listed word for word on any plan submitted for building permit filing. (See commercial (blue) checklist comment.)

JOHN L. LEWIS
Planning & Zoning Associate III

JLL:scj



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

90-36-SPHA

District 12th Date of Posting 7/13/89

Posted for: Special Hearing - Variance

Petitioner: Archibald Fennell, et ux

Location of property: 2617 Northpoint Blvd., 400' NW of Morris Lane

Location of Sign: 2617 Northpoint Blvd., approx. 8' E. of driveway, on property of Archer Fennell

Remarks: 1 sign

Posted by: [Signature] Date of return: 7/15/89

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 13, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on July 13, 1989.

THE JEFFERSONIAN,
S. Zeke Orman
Publisher

PO 13706
Reg 131022

Office of
Office of
Office of

442 Eastern Blvd.
Baltimore, MD 21221

July 13, 1989

THIS IS TO CERTIFY, that the annexed advertisement of Archibald Fennell in the matter of a petition for zoning variance 2617 Northpoint Blvd., Case #90-36-SPHA, J.O. #13091-Reg. #M31021, 84 lines @ 30¢/line

was inserted in The Avenue News a weekly newspaper published in Baltimore County, Maryland once a week for 1 week before the 14th day of July 1989.

that is to say, the same was inserted in the issues of July 13, 1989.

The Avenue Inc.
per publisher
Dennis F. Rasmussen

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

DATE 7/21/89

Mr. & Mrs. Archibald Fennell
400 Katherine Avenue
Baltimore, Maryland 21222

Re: Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 90-36-SPHA
SW side North Point Blvd., 400' NW of Morris Lane
2617 North Point Blvd.
15th Election District - 7th Councilmanic
Petitioner(s): Archibald Fennell, et ux
HEARING SCHEDULED: TUESDAY, AUGUST 8, 1989 at 11:00 a.m.

Dear Mr. & Mrs. Fennell:

Please be advised that \$137.52 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND No. 074656
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 7/14/89 ACCOUNT 2617 Northpoint Blvd.

AMOUNT \$ 137.52

RECEIVED FROM: Archer Fennell, et ux

FOR: 90-36-SPHA

VALIDATION OR SIGNATURE OF CASHIER

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Law and Regulations of Baltimore County, will hold a public hearing on the proposed zoning variance in Room 106 of the County Office Building at 111 W. Chesapeake Avenue in Towson, Maryland 21204 on Tuesday, August 8, 1989 at 11:00 a.m.

Petition for Special Hearing and Zoning Variance
Case Number: 90-36-SPHA
SW side North Point Blvd., 400' NW of Morris Lane, 2617 North Point Blvd.
15th Election District
7th Councilmanic
Petitioner(s): Archibald Fennell, et ux
HEARING SCHEDULED: TUESDAY, AUGUST 8, 1989 at 11:00 a.m.

In the event that the Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, not issue a building permit until the appeal period has expired. The Zoning Commission will, however, not issue a building permit until the appeal period has expired. The Zoning Commission will, however, not issue a building permit until the appeal period has expired.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 387-3353

J. Robert Haines
Zoning Commissioner

June 30, 1989

NOTICE OF HEARINGS

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing and Zoning Variance
CRS# W-89-17-17
SW side North Point Blvd., 400' N of Norris Lane
2817 North Point Blvd.
15th Election District - 7th Councilmanic
Petitioner(s): Archibald Fennell, et ux
HEARING SCHEDULED: TUESDAY, AUGUST 8, 1989 at 11:00 a.m.

Special Hearings: A non-conforming commercial parking lot in a DR 5.5 and DR 16 zone.
Variances: To permit a side yard setback of 20 ft. in lieu of the required 30 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs

cc: Archibald Fennell, et ux
Louis L. DePazzo, Esq.
File



Dennis F. Rasmussen
County Executive

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: July 28, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Archibald and Joyce Fennell, Item 478
Zoning Petition No. 90-36-SPHA

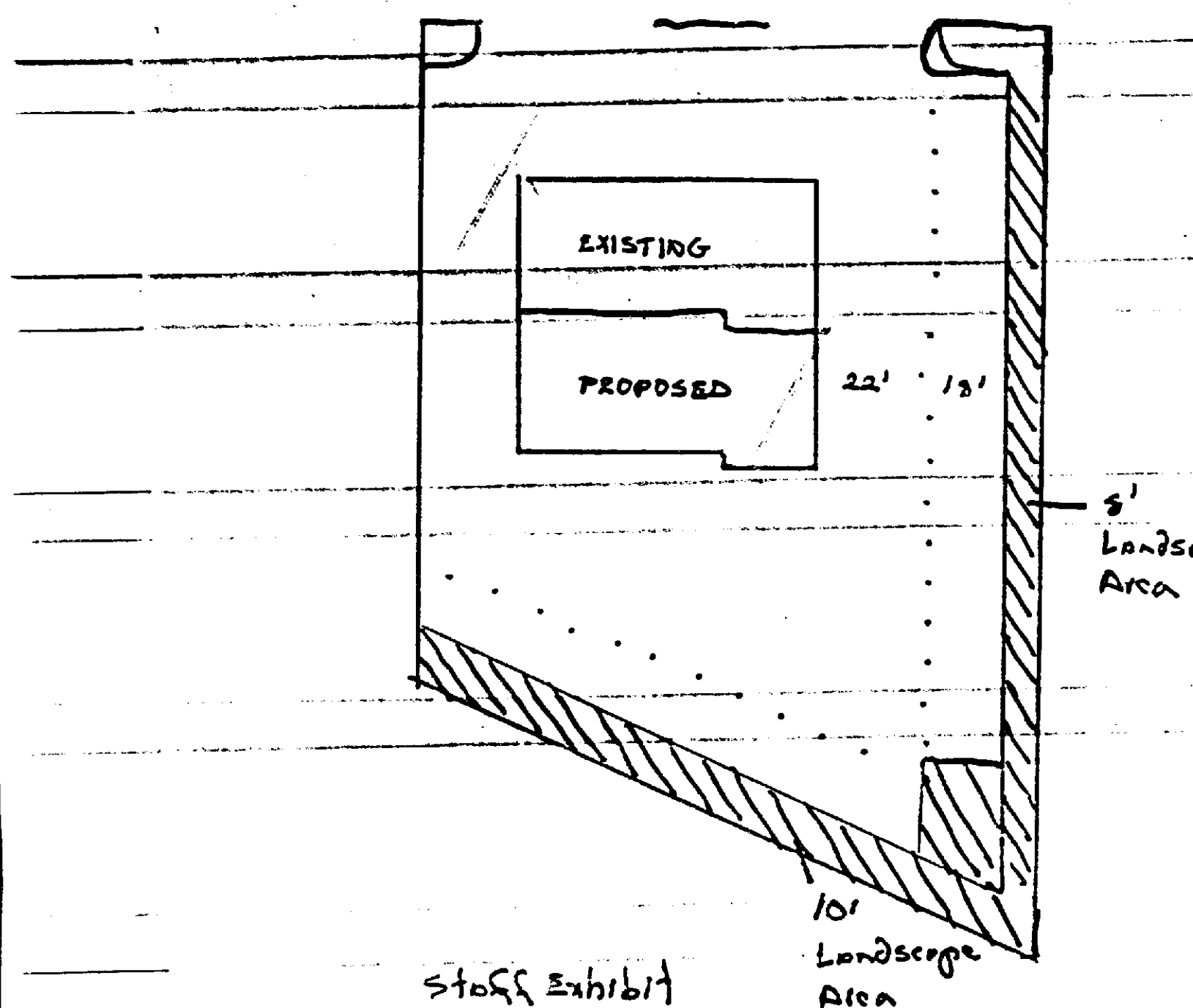
The petitioners request a Special Hearing to approve a nonconforming parking lot in a DR5.5 and DR16 zone. In reference to this request, staff offers the following comments:

A waiver from CRG meeting was granted by the Planning Board on January 19, 1989 (W-89-17). However, a CRG plan must be submitted for review and approval. The approved zoning plan should conform to the approved CRG plan and the final landscape plan. A note shall be included on the landscape plan indicating that any landscaping provided in the State right-of-way shall be maintained by the property owner. Additionally, a 10 foot wide landscape strip should be provided along the southwest property line adjacent to the Walker residence in accordance with current landscape requirements. The street frontage should be treated in accordance with the North Point Corridor Study.

The following conditions should apply if the petitions are granted:

- No damaged or disabled motor vehicles are to be stored in the DR5.5 or DR16 portion of the site.
- As per staff exhibit, the site should be redesigned as submitted because the parking layout and design does not meet County standards (note the cross hatched area should be landscaped).

PK/sf



90-36-SPHA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
17th day of May, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Archibald Fennell, et ux
Petitioner's Attorney: Louis L. DePazzo
Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 28, 1989

COUNTY OFFICE Bldg.
111 W. Chesapeake Ave.
Towson, Maryland 21204

cc:

Louis L. DePazzo, Esquire
36 S. Dundalk Avenue
Baltimore, MD 21222

RE: Item No. 478, Case No. 90-36-SPHA
Petitioner: Archibald Fennell, et ux
Petition for Zoning Variance

Dear Mr. DePazzo:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JAMES E. DYER, IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Archibald Fennell
406 Katherine Avenue
Baltimore, MD 21222



Maryland Department of Transportation State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

May 15, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attn: Mr. James Dyer

Re: Baltimore County
Village Auto Repair
Zoning Meeting of 5-16-89
W/S Northpoint Boulevard
(MD 151) 400' North of
Norris Lane
(Item #478)

Dear Mr. Haines:

After reviewing the submittal for a special hearing to approve a non-conforming commercial parking lot, we have the following comment.

We find the plan acceptable, however, a State Highway Administration access permit must be applied for with the posting of a bond or letter of credit to guarantee construction prior to issuance of building permits.

If you have any questions, please contact Larry Brocato at 333-1350.

Very truly yours,

Charles J. Mills, Jr.
Charles J. Mills, Jr., Chief
Engineering Access Permits
Division

LB:eww

cc: Mr. Jerome Shuman
Mr. J. Ogle

RECEIVED
MAY 18 1989

ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

June 6, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 253, 313, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, and 486.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/LW



Dennis F. Rasmussen
County Executive

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Archer Fennell, et ux

Location: SW side North Point Blvd., 400' NW of Norris Lane

Item No.: 478

Zoning Agenda: May 16, 1989

Gentlemen:

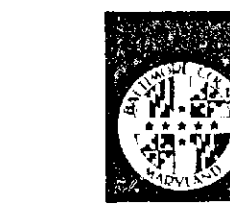
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *CHD* Noted and
Marking Group Approved: *Paul H. Reincke*
Special Inspection Division Fire Prevention Bureau

/31

MAY 17 1989



Dennis F. Rasmussen
County Executive

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for May 16, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 466, 468, 469, 470, 471, 474, 475, 476, 478, 480, 481, 482, 485, and 486.

For Item 253 the previous County Review Group Comments still apply.

For Item 313 contact the State Highway Administration for right-of-way requirements for Reisterstown Road.

For Item 467 contact the State Highway Administration for the necessary improvements for Reisterstown Road.

For Item 472 the previous County Review Group Comments for Festival at Woodholme still apply.

For Item 473 the building being in a reversible slope easement must be addressed prior to approval.

For Item 477 the previous County Review Group Comments still apply.

For Item 479 the previous County Review Group Comments still apply.

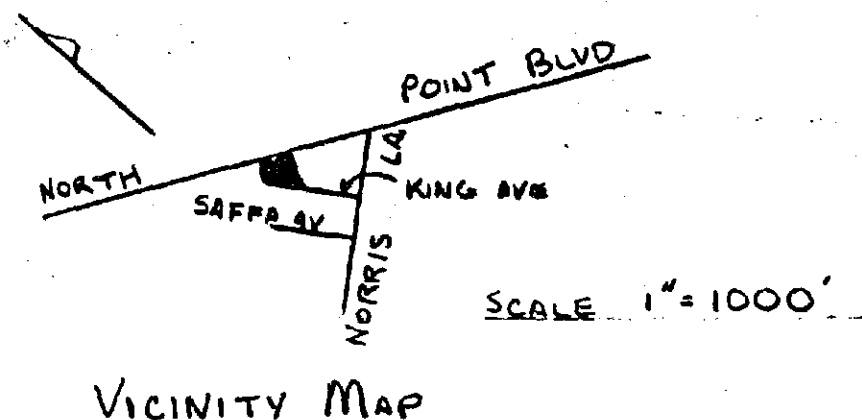
For Item 483 contact the State Highway Administration for right-of-way requirements on Park Heights Avenue.

For Item 484 the previous County Review Group Comments still apply.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

MAY 22 1989



VILLAGE AUTO INC. SERVICE GARAGE

OWNER: Mr. Archibald Fennell
406 Katherine Avenue
Baltimore, MD 21222
Phone #301-284-9556

BUILDER: R. A. Spooner General Contractor
7839 Deboy Avenue
Baltimore, MD 21222
Phone #301-477-2817

PREPARER OF PLANS: Jerome Shuman
17 Branchwood Court
Pikesville, MD 21208
Phone #301-484-7500

- PLANT LIST
- 3 20 RUBISCOIA YULGIA GOLDENROD
 - 3 24 HISCROTHUS BACILLIFLOUS
 - SILVER BARNARD GRASS 1 GALL
 - 1 2 HAE LUPCHER CANADENSIS 1 GALL
 - SHILLER

TOP SOIL 28121 12

PROPOSED ADDITION FOR STORAGE

SCALE 1" = 30'

DATE 1/20/89

NO UNDER GROUND TANKS

TAX ACCT. #15-06-445-002-89-7

LIBER #6727

FOLIO #0481

SEWER REFERENCE #69-0420

WATER LINES #60-882

ZONING ON SITE: BR CS-1

ELECTION DISTRICT #15

COUNCILMANIC DISTRICT #7

CENSUS TRACT 4201.01

SITE ACREAGE: gross -- .5 Acres Net -- .5 Acres, 100% Paved

OPEN SPACE: None 100% Paved Existing

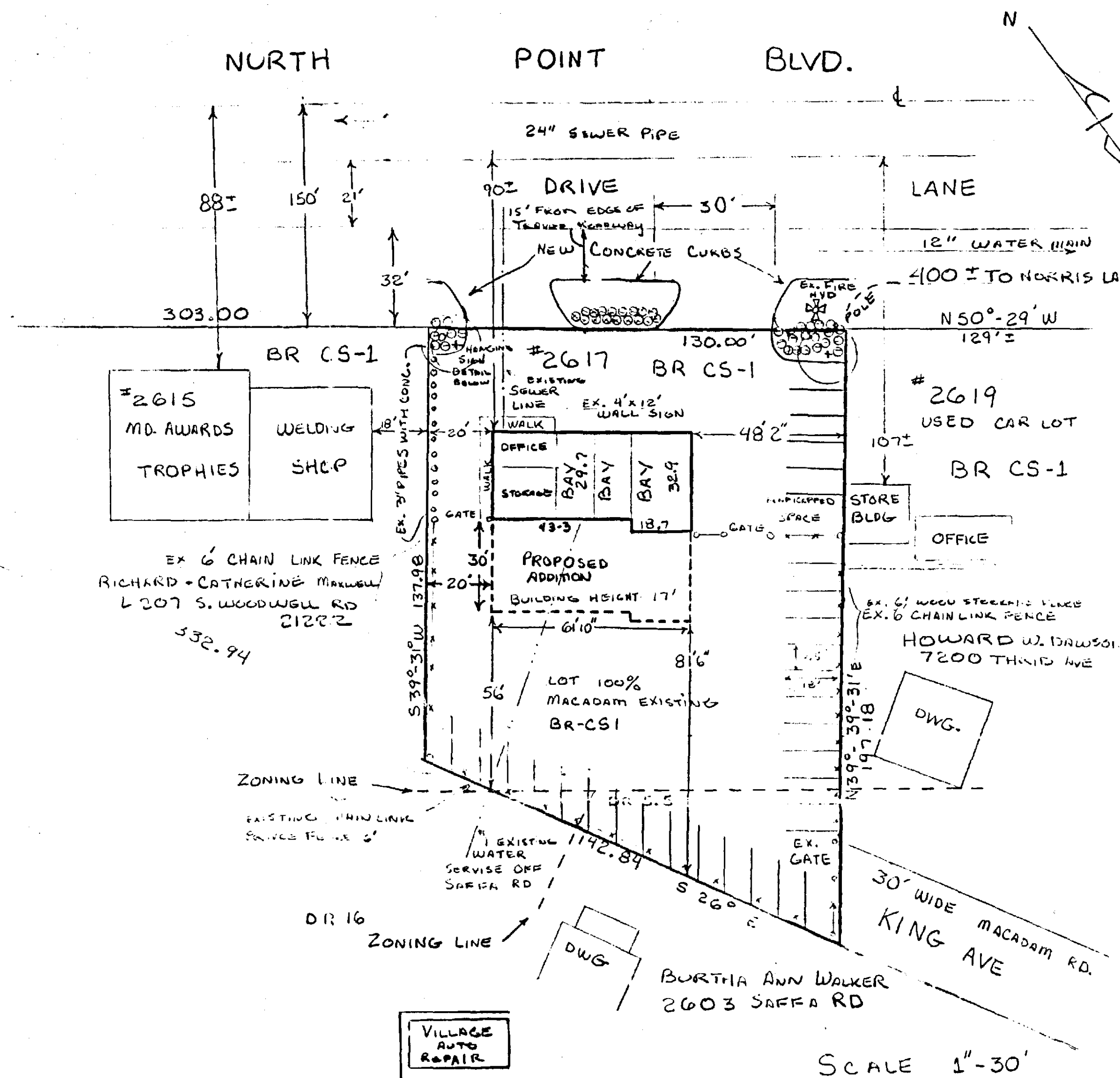
FLOOR AREA RATIO: 3,159 sq. ft. Building 21,780 sq. ft. Lot
3,900 sq. ft. Street 25,680 sq. ft. Lot
3,159 ÷ 25,680 = .1230

PARKING: 3,159 sq. ft. Building

3,159 X 3.3 per 1,000 sq. ft. of gross floor space = 10.42

11 SPACES REQUIRED, 32 SPACES SHOWN, PLUS 7 SPACES IN SERVICE BAYS

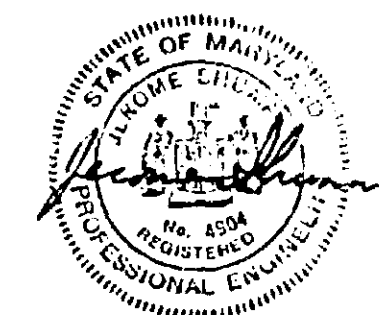
DAMAGED OR DISABLED VEHICLES WILL BE STORED IN BAYS
PARKING SPACES SHOWN ON PLAN IS TO BE PERMANENT STRIPPED



VILLAGE
AUTO
REPAIR

EXISTING: METAL SIGN
DOUBLE FACED
32' SQ FT PER SIDE
64' SQ FT TOTAL
SIGN HANGS ON STEEL POST

SCALE 1" = 30'



PETITIONER'S
EXHIBIT 1

PLAT FOR ZONING VARIANCE + SPECIAL HEARING		VILLAGE AUTO REPAIR 2617 N. POINT BOULEVARD BALTIMORE, MARYLAND	
JEROME SHUMAN Consulting Engineer 17 Branchwood Court Pikesville, MD. 21208 Phone 484-7500		Revisions No. Date	Date FEB 89
		17 1/20/89 WAIVER CRG MEETING/PROCESS	

90-36-SPHA
#478

Revised
6.29.89